

JUL 21 2010

FCC Mail Room

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

June 7, 2010

To Whom it May Concern:

This is a letter of appeal seeking a Request for Waiver. In line with USAC instruction I am also indicating CC Docket No. 02-6.

The waiver being sought is in regards to the filing deadline for 486 forms. The specifics are as follows –

Funding Year 2009-2010

BEN – Elko County School District BEN 143437

471# - 665113

FRNs – 1816263, 1816266, 1816275, 1816282, 1816251, 1816255, 1816258, 1816272

This appeal is being filed on 2 separate grounds.

First Grounds for Appeal –

The 486 in question (486# 602541) was filed on August 11, 2009. It is my standard practice to file Electronic Certification at the time that I file forms – all forms. At the time that I filed the 486 for the aforementioned FRNs, I did complete the Electronic Certification. It is apparent that there was some malfunction that caused the certification to not be registered.

I have another instance, for a different school, when this occurred. In this instance, an error message was generated notifying me that there was a problem with the Electronic Certification. This enabled me, in this other instance, to go back in at another time to complete the process. I have attached the screen shot from this other instance.

No. of Copies rec'd 0
List ABCDE

Applicant's Name: YN1 PC 001
 Contact Person: Ron Weiler
 Phone Number: 818 427 2884
 Application Number: 486# 602541

Message from webpage: Add to My Favorites. You have been added to the list of favorites. Please click the favorite star icon again.

1. I certify that I am the owner of this application.
 2. I certify that I am the owner of this application.
 3. I certify that I am the owner of this application.
 4. I understand that the Universal Service Administrative Company (USAC) will review my application and determine if I am eligible for funding.
 5. I understand that I may be subject to audit by the USAC.
 6. I understand that I may be subject to audit by the USAC.
 7. I understand that I may be subject to audit by the USAC.
 8. I understand that I may be subject to audit by the USAC.
 9. I understand that I may be subject to audit by the USAC.
 10. I understand that I may be subject to audit by the USAC.

F. Date: 4/3/2010

In the instance of 486# 602541, there was no error generated. Unfortunately when we discovered that the 486 has not been certified, we were past the filing deadline to receive funding for the complete year.

We request a FCC waiver to allow funding to be paid from July 1, 2009. These applications have been reviewed and approved. The original application states that the funding year requested is from July 1, 2009 through June 30, 2010. This penalty to Elko County School District for a procedural oversight is far too extreme.

Second Grounds for Appeal –

In the FCC Order dated May 20, 2010 the FCC granted 25 appeals “of decisions by the Universal Service Administrative Company (USAC) that reduce or deny funding from the schools and libraries universal service support program (also known as the E-rate program) for various funding years because USAC found that the applicants failed to timely submit FCC Forms 486.....of decisions by the Universal Service Administrative Company (USAC) that reduce or deny funding from the schools and libraries universal service support program (also known as the E-rate program) for various funding years because USAC found that the applicants failed to timely submit FCC Forms 486.....”

The FCC has already determined that this is a procedural deadline and the denial of funding based upon missing this deadline is usurious. We request a waiver of deadline and that funding be issued from the July 1, 2009 service start date, as indicated in the original 471, rather than the service start date based upon the 486 filing date.

Thank you for your consideration. Please contact me directly with any questions or requests for clarification.

Ron Weiler
 818-427-2884



Schools and Libraries Division

FORM 486 NOTIFICATION LETTER
(Funding Year 2009: 07/01/2009 - 06/30/2010)

June 2, 2010

Ron Weiler
ELKO COUNTY SCHOOL DISTRICT
24045 Philipprimm St
Woodland Hills, CA 91367

Re: Form 486 Application Number: 602541
Applicant's Form 486 Identifier: 11-486-tlc

This letter is to notify you that the Universal Service Administrative Company (USAC) has received and accepted an FCC Form 486, Receipt of Service Confirmation Form, from you. This notification is to confirm the information that you provided. This information is being shared with the service provider whose SPIN you identified on each Funding Request Number (FRN).

You may be receiving this letter to revise or correct a previous Form 486 Notification Letter. The information contained in this letter supersedes any previous notification you may have received, including, but not limited to, a previously adjusted Service Start Date or previously reduced funding commitment.

NEXT STEPS

Discuss with your service provider whether you would like discounts on your bills or to pay your bills in full and be reimbursed for discounts.

Invoice USAC before the invoice deadline using the applicant invoice (BEAR Form - FCC Form 472) for reimbursements after paying the bills in full or the service provider invoice (SPI Form - FCC Form 474) for discounts. Whichever method you choose, you must pay your non-discount portion, as stated in Program rules. Program rules also require that participants maintain all documentation for at least five years after delivery of discount service.

TO APPEAL THE SERVICE START DATE/FUNDING COMMITMENT CHANGE DECISION

If you wish to appeal the Service Start Date change(s) and/or funding commitment adjustment(s) indicated in this letter, your appeal must be received by USAC or postmarked within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and (if available) email address for the person who can most readily discuss this appeal with us.

2. State outright that your letter is an appeal. Include the following to identify the letter and the decision you are appealing:
 - appellant name,
 - applicant or service provider name, if different than appellant,
 - applicant BEN and service provider SPIN,
 - Form 486 Number 602541 and ERN(s) as assigned by USAC,
 - "Form 486 Notification Letter for Funding Year 2009", AND
 - the exact text or the decision that you are appealing.
3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation
4. If you are an applicant, please provide a copy of your appeal to the service provider(s) affected by the USAC s decision. If you are a service provider, please provide a copy of your appeal to the applicant(s) affected by the USAC s decision.
5. Provide an authorized signature on your letter of appeal.

To submit your appeal to USAC by email, email your appeal to appeals@sl.universalservice.org. USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to us by fax, fax your appeal to (973) 599-6542.

To submit your appeal to us on paper, send your appeal to:

Letter of Appeal
Schools and Libraries Division - Correspondence Unit
100 South Jefferson Road
P.O. Box 902
Whippany, NJ 07981

You have the option of filing an appeal with USAC or directly with the Federal Communications Commission (FCC). You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in the "Appeals Procedure" posted on our website. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

A guide to the data reported in our letter reports is posted in the Reference Area of our website. Complete Program information, including invoice deadlines is also posted on our website. You may also contact our Client Service Bureau by email using the "Submit a Question" link on our website, toll-free by fax at 1-888-276-8736, or toll-free by phone at 1-888-203-8100.

Schools and Libraries Division
Universal Service Administrative Company

FORM 486 NOTIFICATION LETTER REPORT
(Funding Year 2009)

Funding Request Number: 1816251
Form 471 Application Number: 665113
Service Provider Name: CITIZENS TEL COMPANY
Service Provider Identification Number: 143002677
Billing Account Number: 7757385196
Service Start Date: 01/12/2010*
Service Start Date Change Explanation: 120-DAY 486 DEADLINE
Adjusted Funding Commitment: \$23,220.00

Funding Request Number: 1816255
Form 471 Application Number: 665113
Service Provider Name: CenturyLink CenturyTel of the Gem State (Nevada)
Service Provider Identification Number: 143002667
Billing Account Number: 7757385196
Service Start Date: 01/12/2010*
Service Start Date Change Explanation: 120-DAY 486 DEADLINE
Adjusted Funding Commitment: \$6,480.00

Funding Request Number: 1816258
Form 471 Application Number: 665113
Service Provider Name: Filer Mutual Telephone Company
Service Provider Identification Number: 143002513
Billing Account Number: 7757385196
Service Start Date: 01/12/2010*
Service Start Date Change Explanation: 120-DAY 486 DEADLINE
Adjusted Funding Commitment: \$3,013.20

Funding Request Number: 1816263
Form 471 Application Number: 665113
Service Provider Name: Alltel Communications LLC, by Management Trust
Service Provider Identification Number: 143033503
Billing Account Number: 7757385196
Service Start Date: 01/12/2010*
Service Start Date Change Explanation: 120-DAY 486 DEADLINE
Adjusted Funding Commitment: \$12,420.00

Funding Request Number: 1816266
Form 471 Application Number: 665113
Service Provider Name: CITIZENS TEL COMPANY
Service Provider Identification Number: 143002677
Billing Account Number: 7757385196
Service Start Date: 01/12/2010*
Service Start Date Change Explanation: 120-DAY 486 DEADLINE
Adjusted Funding Commitment: \$40,471.20

FORM 486 NOTIFICATION LETTER REPORT
(Funding Year 2009)

Funding Request Number: 1816272
Form 471 Application Number: 665113
Service Provider Name: CITIZENS TEL COMPANY
Service Provider Identification Number: 143002677
Billing Account Number: 7757385196
Service Start Date: 01/12/2010*
Service Start Date Change Explanation: 120-DAY 486 DEADLINE
Adjusted Funding Commitment: \$22,950.00

Funding Request Number: 1816275
Form 471 Application Number: 665113
Service Provider Name: CITIZENS TEL COMPANY
Service Provider Identification Number: 143002677
Billing Account Number: 7757385196
Service Start Date: 01/12/2010*
Service Start Date Change Explanation: 120-DAY 486 DEADLINE
Adjusted Funding Commitment: \$21,411.00

Funding Request Number: 1816282
Form 471 Application Number: 665113
Service Provider Name: CITIZENS TEL COMPANY
Service Provider Identification Number: 143002677
Billing Account Number: 7757385196
Service Start Date: 01/12/2010*
Service Start Date Change Explanation: 120-DAY 486 DEADLINE
Adjusted Funding Commitment: \$2,833.44